

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

2:11-CV-259 JCM (GWF)

SANDRA EDICK, individually and as
Special Administrator for the Estate of
PHILLIP EDICK, deceased,

Plaintiff,

v.

ALLEGIANT AIR, LLC, et al.,

Defendants.

ORDER

Presently before the court is defendant Clark County Department of Aviation's (hereinafter "Clark County") motion to dismiss (doc. #22). Plaintiffs failed to file an opposition.

Plaintiffs filed their complaint (attached to the notice of removal doc. #1) in the Eighth Judicial District Court of Clark County, Nevada, on or about October 22, 2010, alleging that defendants Allegiant Air and Clark County's negligence caused injuries to Mr. Edick. Defendant Clark County filed the present motion (doc. #22) on April 20, 2011, asserting that the complaint should be dismissed against it pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim.

On May 5, 2011, defendant Clark County filed a stipulation of dismissal. (Doc. #25). On May 16, 2011, the court entered an order (doc. #26) granting the stipulation to dismiss "all claims including, but not limited to, any and all direct claims, crossclaims and/or third-party claims" involving defendant Clark County without prejudice. On May 18, 2011, defendant Clark County

1 filed a notice of entry of stipulation and order, notifying the court that the stipulation dismissed all
2 claims against it. (Doc. #29).

3 In light of the stipulation to dismiss (doc. #26), defendant Clark County's present motion to
4 dismiss (doc. #22) is moot.

5 Accordingly,

6 IT IS HEREBY ORDERED ADJUDGED AND DECREED that defendant Clark County
7 Department of Aviation's motion to dismiss (doc. #22) be, and the same hereby is, DENIED as
8 moot.

9 DATED June 9, 2011.

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12 UNITED STATES DISTRICT JUDGE